

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DONTAE L. DOYLE,

Petitioner,

v.

Case No. 10-C-235

MICHAEL THURMER

Warden of Waupun Correctional Institution,

Respondent.

DECISION AND ORDER

The Petitioner, Dontae L. Doyle (“Doyle”), a State of Wisconsin prisoner incarcerated at the Waupun Correctional Institution in Waupun, Wisconsin, petitions the Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court granted Doyle’s motion for appointment of counsel by a Decision and Order issued on May 26, 2011. In so doing, the Court recognized that it was likely that the file would be further supplemented, and afforded newly appointed counsel an opportunity to confer with his client, further evaluate this matter, and to indicate how Doyle would like to proceed. Thurmer was also given an opportunity to respond. That process is has been completed.

Doyle requests an evidentiary hearing. Thurmer opposes that request. The Court will set a schedule for the parties to brief Doyle’s hearing request.

Doyle also requests permission to amend his petition, and that the Respondent be allowed to file an amended "traverse." Doyle further asks that, if the Court decides to hold an evidentiary hearing, he be allowed to further amend the petition and the Respondent be allowed to file an amended traverse.

The Court will permit Doyle to file an amended petition and to further amend his petition if the Court conducts an evidentiary hearing. However, at this juncture, the Court will simply set a deadline for the amended petition and answer thereto.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Doyle **MUST** file his brief in support of his request for an evidentiary hearing **on or before October 11, 2011;**

Thurmer **MUST** file any response brief to Doyle's request for an evidentiary hearing **on or before November 14, 2011;**

Doyle may file any reply thereto **on or before November 28, 2011;**

Doyle may file an amended petition **on or before October 11, 2011;** and,

Thurmer may file an amended answer **on or before November 14, 2011.**

Dated at Milwaukee, Wisconsin, this 8th day of September, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Rudolph T. Randa", written over a horizontal line.

HON. RUDOLPH T. RANDA
U.S. District Judge